

AMENDED IN SENATE MARCH 7, 2002

SENATE BILL

No. 1331

Introduced by Senator Speier

January 30, 2002

An act to amend ~~Section~~ *Sections 431, 671, and 5505* of, and to add Sections 521.5, 543.5, and ~~593~~ *593, and 670.5* to, the Vehicle Code, relating to salvage vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1331, as amended, Speier. Salvage vehicles.

Existing law requires an inspection by the Department of Motor Vehicles of any total loss salvage vehicle, or certain dismantled vehicles, when application is made to register the vehicle. Existing law also provides that the department may request an inspection of the vehicle by the Department of the California Highway Patrol, as specified. These provisions of law will be repealed as of January 1, 2003.

Existing law defines a "total loss salvage vehicle."

This bill would provide that an inspection by the Department of Motor Vehicles would not preclude referral to the Department of the California Highway Patrol for an additional inspection of the vehicle, as specified. This bill would also provide that if the vehicle was originally manufactured with a "supplemental restraint system" as defined, that the reconstructed vehicle would be required to be equipped with a like supplemental restraint system in good working order. This bill would also delete those provisions repealing the above-described provisions of law.

This bill would define the terms "revived salvage vehicle," "salvage vehicle rebuilder," and "supplemental restraint system." This bill

would require a salvage vehicle rebuilder to provide the buyer of a salvaged vehicle, as specified, with a certificate of inspection *or certain other documentation*, upon sale or transfer of the vehicle, as specified. Violation of these provisions would be a misdemeanor, punishable by imprisonment in a county jail, or a fine, or by both imprisonment and fine, as specified.

By creating a new crime, this bill would impose a state-mandated local program.

Existing law defines various terms for purposes of the Vehicle Code.

This bill would define the term “vehicle frame” and would make other conforming technical changes.

Existing law defines “vehicle registration number” for purposes of vehicle registration.

This bill would specify determination of the vehicle identification number where the vehicle is constructed of component parts identified with more than one vehicle identification number.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 431 of the Vehicle Code is amended to*
2 *read:*

3 431. A “nonrepairable vehicle” is a vehicle of a type
4 otherwise subject to registration that meets the criteria specified in
5 subdivision (a), (b), or (c). The vehicle shall be issued a
6 nonrepairable vehicle certificate and *the vehicle frame, or unitized*
7 *frame and body, as applicable, and as defined in Section 670.5,*
8 shall not be titled or registered.

9 (a) A nonrepairable vehicle is a vehicle that has no resale value
10 except as a source of parts or scrap metal, and which the owner
11 irreversibly designates solely as a source of parts or scrap metal.

12 (b) A nonrepairable vehicle is a completely stripped vehicle (a
13 surgical strip) recovered from theft, missing all of the bolt on sheet

metal body panels, all of the doors and hatches, substantially all of the interior components, and substantially all of the grill and light assemblies, or that the owner designates has little or no resale value other than its worth as a source of scrap metal, or as a source of a vehicle identification number that could be used illegally.

(c) A nonrepairable vehicle is a completely burned vehicle (burned hulk) that has been burned to the extent that there are no more usable or repairable body or interior components, tires and wheels, or drive train components, and which the owner irreversibly designates as having little or no resale value other than its worth as scrap metal or as a source of a vehicle identification number that could be used illegally.

SEC. 2. Section 521.5 is added to the Vehicle Code, to read:

521.5. “Revived salvage vehicle” means a total loss salvage vehicle as defined in Section 544, that has been rebuilt or restored to legal operating condition with new or used component parts.

~~SEC. 2.~~

SEC. 3. Section 543.5 is added to the Vehicle Code, to read:

543.5. (a) “Salvage vehicle rebuilder” means any person who rebuilds a ~~revived~~ total loss salvage vehicle, as defined in Section ~~521.5~~ 544.

(b) No salvage vehicle rebuilder may sell or transfer ownership of any vehicle that is subject to inspection as described in Section 5505, unless *either* a certificate of inspection issued by the Department of the California Highway Patrol, or ~~by~~ *documentation of a Vehicle Identification Number Inspection and receipt for fees paid for that inspection from the Department of Motor Vehicles* is, are provided to the buyer upon sale or transfer. *It shall suffice to provide copies of these documents to the buyer.* Responsibility for compliance with this section shall rest with the salvage vehicle rebuilder selling or transferring the vehicle.

(c) Violation of this section is a misdemeanor punishable as follows:

(1) Upon a first conviction, by a term of imprisonment in a county jail not exceeding 120 days, or by a fine not exceeding five hundred dollars (\$500), or by both imprisonment and the fine.

(2) Upon a second or subsequent conviction, by a term of imprisonment in a county jail not exceeding 240 days, or a fine not exceeding one thousand dollars (\$1,000) or by both imprisonment and the fine.

1 ~~SEC. 3.~~

2 SEC. 4. Section 593 is added to the Vehicle Code, to read:

3 593. “Supplemental restraint system” means an automatic
4 passive restraint system consisting of a bag that is designed to
5 inflate upon collision, commonly referred to as an “airbag.”

6 ~~SEC. 4.~~

7 SEC. 5. Section 670.5 is added to the Vehicle Code, to read:

8 670.5. A “vehicle frame” is defined as the main longitudinal
9 structural members of the chassis of the vehicle, or for vehicles
10 with unitized body construction, the lowest main longitudinal
11 structural members of the body of the vehicle, used as the major
12 support in the construction of the motor vehicle.

13 SEC. 6. Section 671 of the Vehicle Code is amended to read:

14 671. (a) A “vehicle identification number” is the motor
15 number, serial number, or other distinguishing number, letter,
16 mark, character, or datum, or any combination thereof, required or
17 employed by the manufacturer or the department for the purpose
18 of uniquely identifying a motor vehicle or motor vehicle part or for
19 the purpose of registration.

20 (b) Whenever a vehicle is constructed of component parts
21 identified with one or more different vehicle identification
22 numbers, the vehicle identification number stamped or affixed by
23 the manufacturer or authorized governmental entity on the frame
24 or unitized frame and body, as applicable, and as defined in
25 Section 670.5, shall determine the identity of the vehicle for
26 registration purposes.

27 SEC. 7. Section 5505 of the Vehicle Code is amended to read:

28 5505. (a) This section applies to any vehicle reported to be a
29 total loss salvage vehicle pursuant to Section 11515 and to any
30 vehicle reported to have been dismantled pursuant to Section 5500
31 or 11520.

32 (b) Whenever an application is made to the Department of
33 Motor Vehicles to register a vehicle described in subdivision (a),
34 that department shall inspect the vehicle to determine its proper
35 identity or request that the inspection be performed by the
36 Department of the California Highway Patrol. An inspection by
37 the Department of Motor Vehicles shall not preclude that
38 department from referring the vehicle to the Department of the
39 California Highway Patrol for an additional inspection if deemed
40 necessary.

(c) The Department of the California Highway Patrol shall inspect, on a random basis, those vehicles described in subdivision (a) that have been presented to the Department of Motor Vehicles for registration after completion of the reconstruction process to determine the proper identity of those vehicles. The vehicle being presented for inspection shall be a complete vehicle, in legal operating condition. If the vehicle was originally manufactured with a “supplemental restraint system” as defined in Section 593, the reconstructed vehicle shall also be equipped with a like supplemental restraint system in good working order. The inspection conducted pursuant to this subdivision shall be a comprehensive, vehicle identification number inspection.

(d) A salvage vehicle rebuilder, as defined in Section 543.5, or other individual in possession of a vehicle described in subdivision (a), who is submitting the vehicle for registration as described in subdivision (b), shall have available, and shall present upon demand of the Department of the California Highway Patrol, bills of sale, invoices, or other acceptable proof of ownership of component parts, and invoices for minor component parts. Additionally, bills of sale and invoices shall include the year, make, model, and the vehicle identification number of the vehicle from which the parts were removed or sold, the name and signature of the person from whom the parts were acquired, and his or her address, and telephone number. To assist in the identification of the seller of new or used parts, the number of the seller’s driver’s license, identification card, social security card, or Federal Employer Identification Number shall be provided by the seller to the buyer on the bills of sale and invoice. The seller of a salvage vehicle, or the agent of the seller, shall inform the purchaser of the vehicle that ownership documentation for certain replacement parts used in the repair of the vehicle will be required in the inspection required under this section.

(e) As used in this section, the term “component parts for passenger motor vehicles” includes supplemental restraint systems, the cowl or firewall, front-end assembly, rear clip, including the roof panel, the roof panel when installed separately, and the frame or any portion thereof, or in the case of a unitized body, the supporting structure that serves as the frame, each door, the hood, each fender or quarter panel, deck lid or hatchback, each

1 bumper, both T-tops, replacement transmissions or transaxles, and
2 a replacement motor.

3 (1) As used in this subdivision, “front-end assembly” includes
4 all of the following: hood, fenders, bumper, and radiator
5 supporting members for these items. For vehicles with a unitized
6 body, the front-end assembly also includes the frame support
7 members.

8 (2) As used in this subdivision, “rear clip” includes the roof,
9 quarter panels, trunk lid, floor pan, and the support members for
10 each item.

11 (f) As used in this section, “major component parts for trucks,
12 truck-type or bus-type vehicles” includes the cab, the frame or any
13 portion thereof, and, in the case of a unitized body, the supporting
14 structure which serves as a frame, the cargo compartment floor
15 panel or passenger compartment floor pan, roof panel, and
16 replacement transmissions or transaxles, and replacement motors,
17 each door, hood, each fender or quarter panel, each bumper, and
18 the tailgate. All component parts identified in subdivision (e),
19 common to a truck, truck-type or bus-type vehicle, not listed in this
20 section, shall be considered as included in this section if the part
21 is replaced.

22 (1) “Major component parts for motorcycles” includes the
23 engine or motor, transmission or transaxle, frame, front fork, and
24 crankcase.

25 (2) “Minor component parts for motorcycles” includes the
26 fairing and any other body molding.

27 (g) If the vehicle identification number, year, make, or model
28 required under subdivision (d) cannot be determined, the
29 Department of the California Highway Patrol may accept, in lieu
30 of that information, a certification on a form provided by that
31 department, signed by the person submitting the vehicle for
32 inspection, that the part was not obtained by means of theft or
33 fraud.

34 ~~SEC. 5.~~

35 *SEC. 8.* No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 the only costs that may be incurred by a local agency or school
38 district will be incurred because this act creates a new crime or
39 infraction, eliminates a crime or infraction, or changes the penalty
40 for a crime or infraction, within the meaning of Section 17556 of

1 the Government Code, or changes the definition of a crime within
2 the meaning of Section 6 of Article XIII B of the California
3 Constitution.

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